

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

AC2T, Inc., d/b/a
Spartan Mosquito,

Case No. 2:19-cv-5946-RBS

Plaintiff

v.

Colin Purrington,

Defendant

ORDER

AND NOW, this _____ day of _____, 2022, upon consideration of the Motion of the Defendant for Sanctions and Preclusion pursuant to F.R.C.P. 1, 26, and 37 and 28 U.S.C. Section 1927, for the repeated bad faith failure to produce material documents and evidence, for the knowing spoliation of evidence, and for the willful violation of Orders of this Court, and considering the response of the Plaintiff thereto, it is hereby **ORDERED** and **DECREED** that the Motion of the Defendant for Sanctions is **GRANTED**.

It is hereby determined that:

1) Plaintiff AC2T Inc., d/b/a Spartan Mosquito, has acted in bad faith during the course of this litigation; 2) Plaintiff AC2T Inc., d/b/a Spartan Mosquito, has knowingly violated two Orders of this Court; and, 3) Plaintiff AC2T Inc., d/b/a Spartan Mosquito, has knowingly and willfully allowed the spoliation of material evidence, including records that are fundamental to the claims of the Plaintiff and the defenses of the Defendant.

Accordingly, the Court issues the following Order:

1. The Discovery deadline is pushed back until ninety (90) days from the date of the conclusion of the depositions and production of the requested documents;
2. Christopher Bonner is required to appear in person for his deposition at the time and place noticed hereafter by Defendant;

3. Jeremy Hirsch is required to appear in person for his deposition at the time and place noticed hereafter by Defendant;

4. Plaintiff is precluded from introducing into evidence at trial, any and all financial documents (including sales records, employee pay stubs, and the like) that support any claim for damages or lost profits;

5. Plaintiff's claim for "Commercial Disparagement" is dismissed, with prejudice, pursuant to Societe Internationale, *Supra*, 357 U.S. at 212 and Metropolitan Hockey Club, Inc., *Supra*, 427 U.S. at 642-43 and Rule 37;

6. Plaintiff is required to produce all responsive documents, other than those listed in No. 4 above, that were either subject to the prior discovery Orders or the Notices of Deposition, within thirty (30) days, or the entire case shall be dismissed with prejudice; and,

7. Defendant is awarded \$ _____ in costs and expenses, including attorneys fees and punitive damages, for the willful and bad faith refusal to produce material witnesses and documents in violation of the Rules of Civil Procedure and pursuant to 28 U.S.C. Section 1927.

BY THE COURT:

J.